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5 IN THE UNITED STATES DISTRICT COURT  
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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8 BLUESTONE INNOVATIONS LLC,

No. C 12-00059 SI

9 Plaintiff,

**ORDER RE: ADMINISTRATIVE  
MOTION TO SEAL**

10 v.

11 NICHIA CORP.; NICHIA AMERICA CORP.,

12 Defendants.  
13 \_\_\_\_\_/

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15 On March 8, 2013, the parties stipulated to an administrative motion to file documents under seal  
16 in the Nichia defendants' motion to dismiss for lack of standing. The Court found that the parties had  
17 failed to make a particularized showing that good cause existed for these documents to be filed under  
18 seal. Accordingly, it ordered the parties to make the requisite showing that the documents are sealable.  
19 Docket No. 272. The parties have satisfactorily responded to the Court's order.

20 Initially, the parties argued that the moving papers and a majority of the exhibits should be  
21 sealed in their entirety because Nichia, Bluestone, and third parties Thompson Licensing, LLC and  
22 Xerox Corporation have designated these documents "Confidential" or "Highly Confidential—Attorneys'  
23 Eyes Only." However, only Nichia provided a declaration supporting the motion to seal, and the Court  
24 found that declaration inadequate.

25 Nichia has withdrawn its request to file certain exhibits under seal, and has filed them in the  
26 public record. *See* Docket No. 277. It is no longer requesting that any Nichia information in the briefs  
27 or the related exhibits be sealed. Docket No. 280 ¶ 2. Additionally, the third parties are not requesting  
28 that some of the exhibits be sealed. The remaining documents that the parties request to file under seal  
are: (1) the entirety of the motion to dismiss, the opposition, and the reply; (2) the entirety of Exhibits

1 2-7, 9-10, 13-16, and 18-20 of the Declaration of Brian Egan; (3) the entirety of Exhibits 1, 2, and 4  
 2 to the Declaration of David Mahalek; and (4) the entirety of Exhibit 1 to the Declaration of Alexander  
 3 B. Parker. *Id.* ¶¶ 1-2, 6.

4 In support of the motion to seal, Bluestone, Thompson Licensing, and Xerox have filed detailed  
 5 declarations explaining why there is “good cause” to file each exhibit under seal. *See Kamakana v. City*  
 6 *& County of Honolulu*, 447 F.3d 1172, 1179-80 (9th Cir. 2006); *see also* Fed. R. Civ. P. 26(c). The  
 7 majority of the documents discuss confidential information, such as explicit details regarding  
 8 negotiations in licensing agreements and internal decision-making processes, and the parties show how  
 9 disclosure would harm future business dealings.

10 The Court finds that the parties have made a “particularized showing” that “specific harm or  
 11 prejudice will result if the information is disclosed” with respect to the Exhibits. *Kamakana*, 447 F.3d  
 12 at 1179-80. However, the Court also finds that the motion, opposition, and reply need not be sealed in  
 13 their entirety. Only a portion of these documents contains sealable information.

14 Accordingly, the Court ORDERS that (1) Exhibits 2-7, 9-10, 13-16, and 18-20 of the Declaration  
 15 of Brian Egan; (2) Exhibits 1, 2, and 4 to the Declaration of David Mahalek; and (2) Exhibit 1 to the  
 16 Declaration of Alexander B. Parker be filed under seal. Furthermore, the Court ORDERS the parties  
 17 to file redacted versions of the motion to dismiss, opposition, and reply, **no later than April 22, 2013.**  
 18 *See* Docket No. 280 ¶ 7. The remaining documents shall be made part of the public record. This  
 19 resolves Docket No. 275.

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 21 **IT IS SO ORDERED.**

22 Dated: April 15, 2013

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 25 SUSAN ILLSTON  
 26 United States District Judge  
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